

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	3:CR-18-0097
	:	
v.	:	(Judge Mariani)
	:	
<b>ROSS ROGGIO</b>	:	(Electronically filed)

**ROGGIO’S REPLY BRIEF IN SUPPORT OF  
MOTION IN LIMINE SEEKING ADMISSION  
OF EVIDENCE - TESTIMONY OF AMANDA MECOMBER**

On May 5, 2023, the Government filed a Brief in Opposition to Roggio’s motion in limine seeking to admit the testimony of Amanda Mecomber. (Doc. 292). According to the Government, the proffered testimony should not be admitted because it is hearsay and is irrelevant. (Doc. 292, pg. 1).

Roggio submits that evidence of his kidnaping and unlawful detention in December 2016 - February 2017 is relevant to the charged conspiracy, (defense services), which according to the third count of the Superseding Indictment continued through February 2017. Roggio submits that his ordeal, when coupled *with other evidence*, (including *inter alia* the facts and circumstances of the 2015 detention and physical abuse of the alleged victim in counts one and two), will

support a duress defense and/or lack of willfulness defense. Roggio submits that his ordeal should not be looked at in a vacuum. It shows a motive and plan of the Farouk clan that employed Roggio and abused Mr. Saar. The mere fact that it post-dated a few of the Governments' alleged over acts does not make it less probative to the conspiracy charge as stated.

Further, Mecomber can testify that she received the Videos from Roggio and forwarded them to the FBI and State Department.

Roggio submits that the videos of a distressed Roggio speaking of the circumstances of his captivity fall within the exceptions to the Hearsay Rule. See; Fed. R. Evid. 803(1),(present sense impression), and 803(3), then existing mental, emotional, or physical condition).

### **Conclusion**

Based upon the foregoing arguments, the Defendant, Ross Roggio, respectfully submits that this Honorable Court should admit the testimony of Amanda Mecomber.

Respectfully submitted,

Date: May 7, 2023

s/Gino Bartolai, Esquire  
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**CERTIFICATE OF SERVICE**

I, Gino Bartolai, Esquire, do hereby certify that I electronically served, via e-mail, a copy of the foregoing **Reply**, to the following

Todd K. Hinkley, Esquire  
Assistant United States Attorney

and by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Ross Roggio

Date: May 7, 2023

s/Gino Bartolai  
**Gino Bartolai, Esquire**